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### **Del Norte County Pesticide Regulatory Program 2006/2007 Performance Evaluation Report**

**California Environmental Protection Agency  
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Sacramento, California 95814**

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## **Performance Evaluation of Del Norte County Agricultural Commissioner's Pesticide Use Enforcement Program**

This report provides a performance evaluation of Del Norte County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for fiscal year (FY) 2006/2007. The assessment evaluates the performance of goals identified in the CAC's Enforcement Work Plan (EWP) as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Standards Compendium.

### **I. Summary Report of Core Program Elements**

#### **A) Restricted Materials Permitting:**

The restricted materials permitting program element was found to meet DPR standards and EWP goals.

#### **B) Compliance Monitoring:**

The compliance monitoring program element was found to meet DPR standards and EWP goals.

#### **C) Enforcement Response:**

The enforcement response program element was found to meet DPR standards and EWP goals.

### **Summary Statement:**

Although deficiencies have been identified in the Del Norte CAC's pesticide use program, the program is currently assessed as effective.

### **II. Assessment of Core Program Effectiveness and Work Plan Goals**

#### **A) Restricted Materials Permitting:**

##### **1) Permit Issuance**

The Del Norte CAC permit issuance procedures and performance were evaluated through observation and interviews of relevant staff and found to conform to DPR standards and expectations. The biologist that issues restricted materials permits (RMPs) possesses Pesticide Regulation and Investigation and Environmental Monitoring licenses. The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law; and
- Permit amendments follow approved procedures.

The Del Norte CAC only issues RMPs for a one-year period. Approximately 21 RMPs and three Operator I.D.s were issued in FY 2006/2007. The Del Norte CAC issued one non-agricultural permit.

## **2) Site Evaluation**

The Del Norte CAC site evaluation procedures were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC reviewed approximately 85 Notices of Intent (NOI) in FY 2006/2007. The CAC issued permits for approximately 114 sites in FY 2006/2007. The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC staff adequately evaluated permits and determined if the use of feasible alternatives was required. The program reviews all NOIs in a timely manner and adequately monitored agricultural permits utilizing pre-application site evaluations and use monitoring inspections.

NOIs are received by fax machine, telephone and answering machine. Certified pesticide enforcement staff reviews the NOIs and compares them to the permits in the computer.

## **B) Compliance Monitoring:**

### **1) Inspections**

The Del Norte CAC's inspection procedures and performance were evaluated through DPR oversight inspections and record review and were found to conform to DPR standards and expectations.

- The biologist performing inspections possesses Pesticide Regulation and Investigation and Environmental Monitoring licenses.
- Inspections are performed according to the inspection strategy documented in the CAC's EWP.
- Inspections are performed according to DPR policies and procedures and inspection reports are complete and comprehensive. The inspections adequately provide the information necessary to successfully prosecute violations.
- The biologist also reviews the compliance history for the firm/person inspected and meets with the CAC before issuing a violation notice. The CAC is responsible for approving violation notices, case files, and Notices of Proposed Action (NOPAs).
- Wellhead evaluation has not been finalized so that all pesticide use activities near the location of wellheads have been evaluated to mitigate potential hazards.

Inspections performed by the CAC were found to:

- Adequately document non-compliances/violations; and
- Include appropriate follow-up inspections and procedures.

## **2) Investigations**

The Del Norte CAC investigation procedures and performance were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations.

- The CAC investigates all complaints and complete their reports in a timely manner. The CAC refers and or notifies to DPR and other agencies as required.
- The staff of the Del Norte CAC's office that conducts pesticide enforcement investigations is designated as an Agricultural Biologists.
- The biologist attended the Pesticide Episode Investigation Training in 2006.
- Investigations are thorough and complete and are submitted on approved forms and in the approved format. The investigations document violations and the CAC collects evidence according to DPR standards. The investigations adequately provide the information necessary to successfully prosecute violations.

Investigations performed by the CAC were found to:

- Adequately address label, law and regulatory requirements, if applicable; and
- Include interviews of employers and employees as appropriate.

### **C) Enforcement Response:**

The Del Norte County Biologist has been sending decision reports (DRs) to the DPR for submission. Most of the DRs are well written. However, the biologist needs some assistance in determining what appropriate category (A, B or C) the non-compliances belong in. The PUE biologists also needs some practice in writing the details of the inspections and explanations associated with justification for his enforcement/compliance decisions.

### **III. Corrective Actions Previously Identified**

- Wellhead evaluation has not been finalized so that all permit maps contain the location of wellheads and permits have not been conditioned to mitigate potential hazards.
- The Enforcement Response Regulations (ERRs) were not addressed in their FY 2005/2006 EWP. The ERR has only partially been implemented and compliance with this program was not mentioned in the 2005/2006 EWP. Decision Reports associated with non-compliances discovered during FY 2006/2007 were developed and a tracking system has been set up for follow-up or enforcement/compliance action tracking.

### **IV. Recommended Corrective Actions**

DPR and the staff person responsible for the county PUE program have jointly identified the following corrective actions:

#### **Restricted Materials Permitting:**

- The CAC needs to implement changes to the EWP to address self evaluation requirements discussed with DPR during the evaluation process. The areas requiring attention are associated with addressing/evaluating areas that need

improvement in their RMP operations and an associated plan for attaining improvement in this program.

**Compliance Monitoring Inspections:**

- The CAC needs to implement changes to the EWP to address self evaluation requirements discussed with DPR during the evaluation process. The areas requiring attention are associated with addressing/evaluating areas that need improvement in their compliance monitoring and an associated plan for attaining improvement in this program. Program strengths and weaknesses need to be addressed and evaluated.
- Wellhead evaluation has not been finalized so that all pesticide use activities near the location of wellheads have been evaluated to mitigate potential hazards.

**Investigations:**

- The CAC, with assistance from DPR, will provide training in investigative techniques and evidence collection.

**Enforcement Response:**

- The CAC needs to integrate the ERR into the enforcement/compliance actions discussed into the EWP. The PUE Deputy has stated that he will work with his biologists to implement the ERR and ensure that his biologists follow ERR guidelines when making decisions on appropriate enforcement/compliance actions to be taken and conduct these decisions in a timely manner.
- A tracking system should be set up for follow-up or enforcement/compliance action tracking.
- The CAC needs to implement changes to the EWP to address self evaluation requirements discussed with DPR during the evaluation process. The areas requiring attention are associated with addressing/evaluating areas that need improvement in their ERR decisions and an associated plan for attaining improvement in ERR decision making. Program strengths and weaknesses need to be addressed and evaluated.

**V. Non-Core and Desirable Activities**

The CAC and PUE biologist attend Easter Lily Research Foundation (Bulb Growers) meetings on a regular basis. The Pacific Bulb Growers Research Manager gives updates at these meetings that include: information on aphids and disease control; new chemicals and registration status; alternatives to Methyl-Bromide; new methods of pest control; less toxic alternatives to pesticide use (i.e., using lower toxicity pesticides for aphids) and the effectiveness of reduced chemical usage. U. C. Davis Nematologist, Dr. Becky Westerdahl, has experimental plots at the station and gives periodic updates. Chemical company representatives, other researchers and the University of California Farm Advisor, have occasionally attended these meetings.

Attendance at Bulb Growers meetings allow Del Norte County to go over label requirements for fungicides and insecticides and enhances communications with growers on what is required for headquarters inspections. It allows for a sharing

of information on upcoming laws/regulation changes (Example: drift issues, wellhead protection, etc.). It promotes training, such as reviewing pesticide labels that concern fieldworker safety. Attendance at this meeting provides a forum for regular updates on all pesticide related information associated with industry in Del Norte County and will be continued.